



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Robert M. Bryant
Office of the Director of National Intelligence
Director of National Counterintelligence
Washington, DC 20505

Mr. Bryant,

On behalf of the Federal Trade Commission I have reviewed the documents that were compromised in the Department of State's Net-Centric Diplomacy database that relate to the FTC. The majority of the documents related to the FTC were classified SBU or U. A small subset of the documents detailing meetings with law enforcement partners could affect our agency's relationship with those partners in the future. In order to mitigate the potential damage, the agency may, in appropriate circumstances, inform the officials that descriptions of meetings with those officials were released. We do not believe that any mitigation efforts will have a significant financial impact to the agency. Further, we believe the release will have no significant impact on the agency's ability to fulfill its mission.

The designated agency contacts for this matter are myself and Charles King. If you have any further questions, please contact me at (202) 326-2013 or Charles King at (202) 326-2277.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan E. Fina".

Joan E. Fina
Assistant General Counsel

**NOTICE TO FTC EMPLOYEES AND CONTRACTORS
CONCERNING SAFEGUARDING OF CLASSIFIED INFORMATION
AND USE OF GOVERNMENT INFORMATION TECHNOLOGY SYSTEMS**

In light of the recent disclosure of U.S. Government documents by WikiLeaks, we have been asked by the Office of Management and Budget to remind employees and contractors concerning their obligations with respect to use of government information technology systems to access classified information. Although this agency rarely deals with classified information, these obligations go beyond the treatment of classified information possessed by the agency in the course of its work. Each FTC employee and contractor is obligated to protect classified information pursuant to all applicable laws, and to use government information technology systems in accordance with agency procedures so that the integrity of such systems is not compromised.

Unauthorized disclosures of classified documents (whether in print, on a blog, or on websites) do not alter the documents' classified status or automatically result in declassification of the documents. To the contrary, classified information, whether or not already posted on public websites or disclosed to the media, remains classified, and must be treated as such by federal employees and contractors, until it is declassified by an appropriate U.S. Government authority.¹

Federal Trade Commission employees and contractors therefore are reminded of the following obligations with respect to the treatment of classified information and the use of non-classified government information technology systems:

- Except as authorized by the agency under applicable procedures, FTC employees or contractors shall not, while using computers or other devices (such as Blackberries or Smart Phones) that access the web on non-classified government systems, access documents that are marked classified (including classified documents publicly available on the WikiLeaks and other websites), as doing so risks that material still classified will be placed onto non-classified systems. This requirement applies to access that occurs either through agency or contractor computers, or through employees' or contractors' personally owned computers that access non-classified government systems. This requirement

¹ Executive Order 13526, *Classified National Security Information* (December 29, 2009), Section 1.1.(c) states, "Classified Information shall not be declassified automatically as a result of any unauthorized disclosure of identical or similar information."

does not restrict employee or contractor access to non-classified, publicly available news reports (and other non-classified material) that may in turn discuss classified material, as distinguished from access to underlying documents that themselves are marked classified (including if the underlying classified documents are available on public websites or otherwise in the public domain).

- FTC employees or contractors shall not access classified material unless a favorable determination of the person's eligibility for access has been made by an agency head or the agency head's designee, the person has signed and approved non-disclosure agreement, the person has a need to know the information, and the person has received contemporaneous training on the proper safeguarding of classified information and on the criminal, civil, and administrative sanctions that may be imposed on an individual who fails to protect classified information from unauthorized disclosure.
- Classified information shall not be removed from official premises or disclosed without proper authorization.
- FTC employees and contractors who believe they may have inadvertently accessed or downloaded classified or sensitive information on computers that access the web via non-classified government systems, or without prior authorization, should contact their information security offices for assistance.

Thank you for your cooperation, and for your vigilance with respect to these responsibilities.

Willard K. Tom
General Counsel

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Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

(b)(5)

From: OMB General Counsel's Office [mailto:agency-gcs@messages.whitehouse.gov]
Sent: Friday, December 03, 2010 12:21 PM
To: Tom, Willard K.
Subject: FOR YOUR IMMEDIATE ATTENTION AND PROMPT ACTION: WikiLeaks: Model Agency Notice to Employees

TO: AGENCY GENERAL COUNSELS

The recent disclosure of U.S. Government documents by WikiLeaks has resulted in damage to our national security. Federal agencies collectively, and each federal employee and contractor individually, are obligated to protect classified information pursuant to all applicable laws, as well as to protect the integrity of government information technology systems. It is a function of agency leadership to establish a vigilant climate that underscores the critical importance of the existing prohibitions, restrictions, and requirements regarding the safeguarding of classified information.

Accordingly, agencies are requested immediately to send a notice to all agency employees and contractors reminding them of their obligations to safeguard classified information. A model notice, for use or adaptation by each agency, is attached to this memorandum. Agencies are responsible for communicating this notice promptly to their employees and contractors. If an agency has a legitimate need for personnel to access classified information on publicly available websites, the agency head shall ensure that such access is managed in a manner that minimizes risk to government information technology systems and adheres to established requirements.

Thank you for your cooperation and assistance.

Attachment (Model Agency Notice)

Preeta D. Bansal
OMB General Counsel and Senior Policy Advisor

395-5044

WikiLeaks Model Employee Notice 120310.docx

The White House · 1600 Pennsylvania Avenue, NW · Washington DC 20500 · 202-456-1111

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